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9 Attorney for Defendants County of Merced, "Merced County Sheriff's Office" (a
10 department of the County of Merced), Vernon Warnke, Soto, Andrea Sweeney,
and Roman Granado

11 In the United States District Court

12 For the Eastern District of California, Fresno Division

14 Estate of Jacob Apodaca and Robert
15 Apodaca, Jr.,

16 Plaintiffs,

17 v.
18

19 County of Merced, Merced County
20 Sheriff's Office, Vernon Warnke, Soto,
Andrea Sweeney, Roman Granado, and
21 Doe 1 to 20,

22 Defendants
23

Case No. 1:23-cv-00171-JTL-SAB
[consolidated with 1:23-cv-00864-JLT-
EPG]

**Request for Defendants Vernon Warnke,
Brandon Soto, Andrea Sweeney and
Roman Granado to be Excused from
Attending Settlement Conference
Proceedings and [Proposed] Order**

Date: November 6, 2023

Time: 9:00 a.m.

Judge: Hon. Magistrate Judge Kendall J.
Newman

24 A settlement conference has been set before Magistrate Judge Kendall J.
25 Newman for November 6, 2023, via video conferencing through the Zoom
26 platform. Pursuant to Local Rule 270(d), Fed. R. Civ. P. 16, and the Settlement
27 Conference Procedures published by Magistrate Judge Kendall J. Newman, the
28

Request for Defendants Vernon Warnke, Brandon Soto, Andrea Sweeney and Roman Granado to
be Excused from Attending Settlement Conference Proceedings and Order

1 Court requires parties to have a principal with full settlement authority present
2 for the conference or be fully authorized to settle the matter on any terms.

3 Defendant COUNTY OF MERCED has a statutory duty to defend and
4 indemnify Defendants Vernon Warnke, Brandon Soto, Andrea Sweeney and
5 Roman Granado for conduct within the course and scope of their employment as
6 employees of the Sheriff's Department, and is sending representatives authorized
7 to settle the matter in full, including on behalf of Defendants Vernon Warnke,
8 Brandon Soto, Andrea Sweeney and Roman Granado. As a result, Defendants
9 Vernon Warnke, Brandon Soto, Andrea Sweeney and Roman Granado
10 specifically request to be personally excused from appearing at the conference.
11 Instead, Defendants Vernon Warnke, Brandon Soto, Andrea Sweeney and
12 Roman Granado request permission to (1) appear by and through their counsel,
13 Jenna M. Anderson of the Office of County Counsel, County of Merced, and (2) to
14 remain on telephone and electronic standby should their participation be
15 requested or their consent to any settlement be required.

16
17 Dated: October 30, 2023

Forrest W. Hansen
Merced County Counsel

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19 By: /s/ Jenna M. Anderson
Jenna M. Anderson
20 Chief Deputy County Counsel
21 Attorneys for Defendants County of
22 Merced, "Merced County Sheriff's
23 Office" (a department of the County
24 of Merced), Vernon Warnke, Soto,
Andrea Sweeney, and Roman
Granado

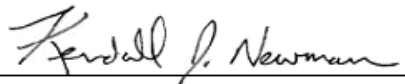
25
26 **ORDER**

27 IT IS HEREBY ORDERED THAT Defendants Vernon Warnke, Brandon
28 Soto, Andrea Sweeney and Roman Granado may appear for the settlement

1 conference scheduled for 9:00 a.m. on November 6, 2023, by and through their
2 counsel, Jenna M. Anderson of the Office of the County Counsel, County of
3 Merced, and to remain on telephone and electronic standby should their
4 participation by conference call or via the Zoom platform be requested, and/or
5 their consent to any settlement be required.

6 IT IS SO ORDERED.

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8 Dated: October 31, 2023

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KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE